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DIGEST OF OTHER RECENT VIRGINIA DECISIONS.**Supreme Court of Appeals.**

Note.—In this department we give the syllabus of every case decided by the Virginia Supreme Court of Appeals, except of such cases as are reported in full.

NORFOLK & W. RY. CO. *v.* STRICKLER.

Nov. 11, 1915. Rehearing denied Nov. 26, 1915.

[86 S. E. 824.]

1. Evidence (§ 588*)—Railroad Crossing Accidents—Testimony Contrary to Physical Facts.—In an action for injuries to a person riding in an automobile struck by a railroad motor truck at a crossing, where the evidence showed that from a point in the highway 30 feet from the crossing and until it was reached the track was straight and level, affording an unobstructed view of the rails and the ties for a distance of 1,500 feet, and plaintiff testified that his vision was good and his hearing unimpaired, it was incredible that he both looked and listened so as to make his looking and listening effective, and neither saw nor heard the truck approaching rapidly with an unusually loud noise, and his testimony that he did so would not support a verdict in his favor.

[Ed. Note.—For other cases, see Evidence, Cent. Dig. § 2437; Dec. Dig. § 588.* 4 Va.-W. Va. Enc. Dig. 122.]

2. Railroads (§ 327*)—Crossing Accidents—Looking and Listening.—It was the duty of a traveler approaching a crossing to look and listen for railroad vehicles.

[Ed. Note.—For other cases, see Railroads, Cent. Dig. §§ 1043-1056; Dec. Dig. § 327.*]

3. Appeal and Error (§ 1001*)—Review—Questions of Fact.—Courts are not required to believe that which is contrary to human experience and the laws of nature or which they judicially know to be incredible, and, though a case be heard as upon a demurrer to the evidence, the court will not stultify itself by allowing a verdict to stand, though supported by evidence, when the physical facts demonstrate such evidence to be untrue, and the verdict to be unsupported in law and in fact. Citing *Chesapeake & O. Ry. Co. v. Anderson*, 93 Va. 650, 25 S. E. 947; *Harvey's Case*, 103 Va. 850, 49 S. E. 481; *Clopton's Case*, 109 Va. 813, 63 S. E. 1022; *N. & W. Ry. Co. v. Crowe's Adm'r*, 110 Va. 798, 67 S. E. 518; *Southern Ry. Co. v. Wiley*, 112 Va. 183, 70 S. E. 510.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 3922, 3928-3934; Dec. Dig. § 1001.* 1 Va.-W. Va. Enc. Dig. 427.]

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.

Error to Circuit Court, Page County.

Action by D. W. Strickler against the Norfolk & Western Railway Company. Judgment for plaintiff, and defendant brings error. Reversed and remanded.

Staples & Cocke, of Roanoke, and *W. F. Keyser*, of Luray, for plaintiff in error.

Walton & Bro., of Luray, and *McHugh & Heazel*, for defendant in error.

GRAYSON LUMBER CO. et al. v. YOUNG et al.

Nov. 11, 1915.

[86 S. E. 826.]

1. Specific Performance (§ 105*)—Delay.—While equitable rights may not be embraced in the statute of limitations, specific performance of a contract to convey land will not be enforced after nearly 20 years of unexplained delay.

[Ed. Note.—For other cases, see Specific Performance, Cent. Dig. §§ 325-341; Dec. Dig. § 105.* 12 Va.-W. Va. Enc. Dig. 637; 8 Va. Law Reg. 761.]

2. Specific Performance (§ 29*)—Contracts—Sufficiency of Description.—A contract for the conveyance of 100 acres of land out of a much larger tract cannot be specifically enforced, where the description was not sufficiently definite to identify it, and parol evidence would be necessary to ascertain the tract.

[Ed. Note.—For other cases, see Specific Performance, Cent. Dig. §§ 69-82; Dec. Dig. § 29.* 12 Va. Law Reg. 584.]

3. Vendor and Purchaser (§ 228*)—Bona Fide Purchaser—Constructive Notice.—Knowledge that the owner of a large parcel of land had given a bond for conveyance of 100 acres of land in that vicinity is not sufficient to charge a purchaser for value with notice of the bondholder's rights.

[Ed. Note.—For other cases, see Vendor and Purchaser, Cent. Dig. §§ 495-501; Dec. Dig. § 228.* 13 Va.-W. Va. Enc. Dig. 588.]

Appeal from Circuit Court, Grayson County.

Bill by Joe Young against the Grayson Lumber Company and others. From the decree, certain defendants appeal. Reversed.

J. S. Bourne, of Independence, and *B. F. Buchanan*, of Marion, for appellants.

W. S. Poage, of Wytheville, *J. D. Perkins*, of Marion, *R. Kirby*, of Independence, and *W. C. Fields*, for appellees.

*For other cases see same topic and KEY-NUMBER in all Key-Numbered Digests and Indexes.